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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/902,153	07/29/1997	KEN HASHIMOTO	826.1410/JDH	9897
21171	7590	08/27/2004		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER BHATTACHARYA, SAM	
			ART UNIT 2685	PAPER NUMBER 33

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/902,153

Applicant(s)

HASHIMOTO, KEN

Examiner

Sam Bhattacharya

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2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 65-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 22, 2004 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 65-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The relationship between the “monitored portable information terminal” and the “monitoring portable information terminal,” recited in the claims 65-68, is unclear. If the monitoring portable information terminal monitors the monitored portable information terminal, for example, then the claims should be amended to recite this.

5. Claim 68 recites the limitations “the monitored portable information terminal” and “the monitoring portable information terminal” in lines 4-5. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 65, 66 and 68, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,848,373) in view of Bird (US 5,418,537).

Regarding claims 65, 66 and 68, DeLorme et al. disclose a map location system including a map data storage unit storing map data (see col. 24, lines 1-23), an instruction receiving unit receiving instructions to display a relative position between the monitoring terminal 15 and the monitored terminal 15a (see FIGS. 1-4, and col. 21, line 40 - col. 22, line 6), a self-position information acquisition unit obtaining the position information of the monitoring portable information terminal (GPS receiver, see col. 21, lines 56 - col. 22, line 6), a map retrieval unit searching the map data storage unit for map data representing the positions of the monitoring and monitored terminals (see col. 23, line 41 - col. 24, line 47), and a display unit 18 displaying the map data retrieved by the map retrieval unit. Note that the monitoring terminal 15 monitors the positions of itself and other terminals on the display 18, and the monitored terminal 15a is monitored by the monitoring terminal as well as by satellites. DeLorme et al. fail to disclose requesting by the monitoring terminal position information of the monitored terminal from a central system and a receiving the requested position information at the monitoring terminal.

However, Bird discloses a location system that includes a request unit at 11 requesting a central system 15, which manages position information of a monitoring portable information terminal and a monitored portable information terminal 13, to obtain position information of the monitored portable information terminal, and a position information receiving unit at 11

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receiving the position information of the monitored portable information terminal. See FIG. 1, and col. 6, lines 23-68. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the map location system of DeLorme et al. by requesting position information of a monitored terminal and receiving the information as taught by Bird so that the monitoring terminal is notified whether the monitored terminal is missing or out of range at a particular time.

8. Claim 67, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,848,373) in view of Bird (US 5,418,537), and further in view of Kawamoto (US 6,167,277).

The combination of DeLorme et al. and Bird fails to disclose a map data request unit requesting the central system to obtain map data indicating both the position of the monitored and monitoring terminals by transmitting the position information of both.

Kawamoto discloses a positional information display system in which a first mobile terminal 20A includes a map data request unit requesting a central station 25 to obtain map data indicating its position and the position of a second terminal 20B, and the central station transmits the data to the first mobile terminal in response to the request. See FIG. 1, col. 6, lines 17-36 and the Abstract. Moreover, one skilled in the art would have recognized that the map data request could be provided as an alternative to retrieving stored map data when the map data retrieval was not possible due to a malfunction in the retrieval, for example. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the map location system of DeLorme et al. in view of Bird by requesting map data of both terminals and receiving

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the data as taught by Kawamoto to receive timely and updated information as to the relative positions of the mobile terminals.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schipper (US 5,669,061) discloses a tracking system in which a user inquires a central station about the location of a vehicle, and the vehicle location is provided on a map with cell boundaries.

Response to Arguments

10. Applicant's arguments with respect to claims 65-68 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

Quochien B. Vuong 8/21/04

QUOCHIEN B. VUONG
PRIMARY EXAMINER